IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 32392 of 2005(F)

AGAINST THE ORDER IN EP 630 2004 IN
OS.588/2000 of PRL.SUB COURT,THRISSUR

.....

PETITIONER:

MUHAMMED, S/O. THERUVATHVEETTIL MAMU,
KECHERI DESOM, ERANELLUR VILLAGE, THALAPPILLY.

BY ADV. SRI.A.V.M.SALAHUDIN

RESPONDENT:

KSHEMAVILASAM KURI COMPANY LTD.,
HEAD OFFICE AT THRISSUR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.JIMMY JOHN VELLANIKARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.32392 of 2005

- -

Dated: 18th June, 2007

JUDGMENT

The judgment-debtor impugns in this Writ Petition the proposal to sell the entire property decreed to be sold on the ground that the value of the property is much more than the amount payable under the decree. His grievance is mainly against the fixation of upset price at Rs.3,20,615/-.

2. Having due regard to the above grievance of the petitioner and the submission of the petitioner that a portion of the property alone need be sold for realising the entire decree debt, I dispose of the Writ Petition issuing the following directions:

The order of stay presently passed will continue for a period of four months from today. It is open to the petitioner to find out a purchaser for the decree schedule property either for the whole property or for a portion thereof. Once the petitioner identifies a purchaser, it is open to the petitioner to take him to the respondent-decree-holder and seek the respondent's concurrence in the matter of proposed sale. Thereafter copy of the agreement entered into with the prospective purchaser will be produced before the court and the permission of the court will be sought for selling the property

covered by the agreement to the prospective purchaser. The court below will consider that application, hear both sides and pass appropriate orders on that application so as to ensure that the prospective purchaser pays the amount sufficient for liquidating the entire decree debt. The whole exercise shall be completed within four months from today. If the petitioner is unsuccessful in identifying such a prospective purchaser, it is open to the court below to proceed with the sale of the property as proclaimed now under such a contingency.

srd **PIUS C.KURIAKOSE, JUDGE**